

AN  
ACT  
OF  
COMMON COUNCIL  
For the better Regulation of the  
COURTS of LAW  
In the  
GUILD-HALL LONDON.

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London

Continental

Commune Concilium tent' in Camera Guibald'  
 Civitatis London die Lunæ, undecimo die Octobris,  
 Anno Domini millesimo sexcentesimo sexagesimo no-  
 no, Annóque Regni Domini nostri CAROLI Se-  
 cundi, Dei gratiâ, Angliæ, Scotiæ, Franciæ & Hiberniæ  
 Regis, Fidei Defensoris, &c. vicesimo primo, coram  
 Willielmo Turner Milite, Majore Civitatis London, Sa-  
 muele Starling Milite, Majore Electo dictæ Civitatis,  
 Johanne Frederick Milite, Aldermanro, Johanne  
 Robinson Milite & Baronetto, Alderm' ac Locotenente  
 Turris London, Johanne Lawrence & Willielmo  
 Peake Militibus, Aldermannis, Johanne Howel Milite,  
 Recordatore dictæ Civitatis, Richardo Ford & Will'  
 Hooker, Militibus & Aldermannis, Johanne Forth,  
 Francisco Chaplin, Dannett' Forth, Will' Fluellin &  
 Johanne Kandal, Armig', Alderm', & Jacobo Edwards  
 Arm', Alderm', ac uno Vicecomitem Civit' Lond',  
 necnon majore parte Communiariorum de Comuni  
 Concil' ejusdem Civit' tunc & ibidem assemblat'.

An Act for the better Regulation of the Courts  
 of Law in the Guild-Hall London.



Whereas in the City of London there  
 are Courts of Record holden of  
 ancient Custome, that have cog-  
 nizance of all Actions and Causes,  
 both in Law and Equity, so that  
 no Citizen need to go beyond the  
 Walls of the said City for speedy

The Antiquity and  
 great conveniency of  
 the Courts in London

Justice; which Courts have been in all times sup-  
 plied with able Judges, many of which, for their  
 Worth and Learning, have been advanced to places  
 of great Honour and Dignity within these Realms;

And the **KINGS** and **QUEENS** of England, out of their great Care, and Princely Respect to the Citizens of London, have from time to time, by their respective Charters, granted and confirmed to the said City divers excellent Privileges and Immunities, which have not bēn granted unto other Cities; amongst which it is not the least, That no Citizen should plead, or be compelled to plead, without the Walls of the said City, but in some few Cases excepted; and that Pleas should be holden in London for all Debts there made, according to ancient Custome; and that none of the Frēdome of the City should be impleaded at the Exchequer, or elsewhere, by Bill, but of those things which concern the **KING** or his Heirs:

By Charters of Ha-  
and most other Kings  
and Queens of Eng-  
land since the Con-  
quest, (whereof di-  
vers were granted in  
Parliament, No Ci-  
tizen shall be com-  
pelled to plead with-  
out the Walls of the  
City, &c.

And by ancient Acts  
of Common Council,  
the Freeman are pro-  
hibited to sue one an-  
other out of the City,  
when they may have  
their Recovery in  
their own Courts, up-  
on great penalties,  
which have been se-  
verely inflicted upon  
the Offenders.  
The Freeman also  
are bound by Oath  
at their admission to  
the Freedom, not to  
sue one another out  
of the City, &c.  
the contrary not-  
withstanding much  
used by Citizens of  
the City.

And whereas by several Acts of Common Council of this City, still in force, it is enacted, That no Freeman shall implead another Freeman out of the City for any thing done within the City, where he may have his Recovery before the Mayor and the Sheriffs, upon the Pleins therein limited: and whereas every Freeman of this City stands obliged by his Oath, That the Franchises and Customs of the City he shall maintain, and that he shall implead or sue no Freeman out of the City, whilst he may have Right and Law within the same: and yet nevertheless so it is, that of late years divers Citizens, of all qualities and degrees, (forgetting their said Oaths and the Privileges of the said City) have commenced, and do frequently commence, their Actions in other Courts without this City, or, being commenced within the same, do cause them to be thence removed by Writs, whereby the Courts of Justice within the City of London are not onely slighted, but the said Citizens, aswell for petty Causes

Causēs and small Debts as great, are troubled in other Courts, to their very great Charge and Exaction:

And forasmuch as the Clerks and Attornies in the Sheriffs Courts of this City (contrary to several Orders of the Court of Aldermen, and Ass of this Court of Common Council) do either advise their Clients, Citizens of London, to commence their Actions in other Courts, or else, whenas Causēs are prepared ready for Trial in the Sheriffs Courts of the said City, do cause them to be removed by Writs into such other Courts where they are likewise Attornies, and there their Clients ~~be~~<sup>are</sup> enforced to begin upon a new Charge, to the great Abuse of Citizens, and discouraging of the Freemen of the said City to commence their Suits in London, where they are most properly determinable:

Irregular practices of the Clerks & Attornies of the Sheriffs Courts in commencing and removing Causes out of the City, and becoming bail for their Clients.

For remedy hereof for the future, Be it Enacted, Ordained and Established, by the Right Honourable the Lord Mayor, the right Worshipful the Aldermen, his Brethren, and the Commons, in this Common Council assembled, and by the Authority of the same, That no person, or persons, be at any time hereafter admitted into any the Places or Offices of Secondaries of the Compters, Clerks or Attornies in the Mayors Court, Clerk of the Papers, Clerk-sitters, Attornies in the Sheriffs Courts, of this City, Sericants or Yeomen of the Compters, but that he or they do first take his or ~~their~~ <sup>his</sup> Freedom of this City, according to former Ass and Orders of Common Council.

None but freemen shall be admitted Officers, Clerks and Attornies in the Courts of the City for the future.

And forasmuch as it is observed, that the Clerks and Attornies of the Mayors and Sheriffs Courts of this City do breed and bring up under them a multitude of young Clerks, taking with them confide-

nable summs of money, but for shorter terms then hath been accustomed within this City; and that the Attornies, Clerks and Officers, of and belonging to the Sheriffs of London, and the Sheriffs Courts, do often tender themselves to the Defendants arrested in the Courts, to become their Bail, whereby to oblige them the more to follow their Advice in consenting to the Removal of their Causes, and whereby, in case of the Defendants absenting himself, all possible means are used to delay and dis-appoint the Plaintiffs in their just Suits, to their great wrong, and abuse of Justice:

Be it therefore Ordained, Enacted and Established by the said Lord Mayor, Aldermen, and Commons, in this Common Council assembled, and by the Authority of the same, That no person or persons whatsoever be henceforth at any time admitted, or capable to be admitted, a Clerk or Attorny in the said Mayors Court, or in either of the said Sheriffs Courts of this City, before he or they shall bona fide have served some Master-Clerk or Attorny in one of the Courts of this City, as a Clerk, the full term of seven yeares: And that every or any Grant, or Admission, that shall happen at any time hereafter to be made contrary to this Act, shall be null and void, as if it never had been made: And that no Attorny, Clerk, or Officer, of or belonging to the Mayors Court or Sheriffs Courts, or their Clerks or Servants, nor any of them, do or shall, at any time from and after the twenty third day of October instant, presume to become Bail for any person or persons whatsoever, in any Action, Attachment, or other Suit or Cause whatsoever, that shall be entered commenced, or depending, in the said Mayors Court or Sheriffs Courts; And that neither the Clerk of the

~~inconvenience of  
Attornies & Officers  
being Bail for their  
Clients.~~

~~None shall be ad-  
mitted a Clerk or  
Attorny in the Courts  
unless he have served  
seven years.~~

~~Every Admission to  
the contrary shall be  
void.~~

~~No Attornies, Clerks,  
or Officers, to become  
Bail.~~

the Bails in the Bayors Court, nor Clerks of the Papers, nor Clerk-sitters of the said Sheriffs Courts, nor any of them, nor their or any of their Clerks or Servants, nor any other whose duty it is to take the Bails, do presume, from and after the said twenty third day of October instant, to take, accept, and enter upon Record, any of the said Attornies, Clerks, or Officers, or any of their Clerks or Servants, for the Bail of any person or persons whatsoever, or their or any of their Promise or Engagement, to save harmless such Clerk or other Officer, for taking of any other person or persons to be Bail in any Cause whatsoever, to be therein depending.

And to the end that the said City Courts, as well the Bayors as the Sheriffs Courts, may be supplied from time to time with able and sufficient Jurymen, Be it farther Ordained and Enacted by the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, and by the Authority of the same, That no person or persons whatsoever be at any time hereafter returned, by any the Inquests of the Wards of this City, to serve as Jurymen, or Jurymen, either Grand, or Petty, in the Courts of this City, but such men as either have been, or for time to come shall be, Subsidymen, and so taxed in the KING's Books; or, in default thereof, such other discreet and sufficient persons as shall be equal in Quality and Estate with them: And that the Issues upon Default of Jurymens Appearances be constantly levied, and duly and truly answered.

And whereas the said Court, called the Lord Bayors Court, is an ancient Court of Record, wherein Causes, both of Law and Equity, and also Attachments, are determinable, and the same Court

None but Subsidy men, or persons of like quality, to be returned.

The Mayors Court, being a Court of Law and Equity, and superior to the Sheriffs Court, hath power of Levying Causes out of those Courts.



is superiour to the Sheriffs Courts; And whereas also the Lord Mayor for the time being, of ancient Custom and constant practice, hath, and time where-  
 - in of the memory of man is not to the contrary ever had, power and authority, by his Warrant called a Levetur Querela, to remove Causes from and out of the Sheriffs Courts into the Lord Mayors Court, without any restriction or limitation of time, so as the same Levetur be brought before the Jury, or any of them, (summoned for trial of such Cause or Causes) shall be sworn; And whereas of very late time such Levetur hath been often disallowed, contrary to the said ancient Usage, and in Contempt of the said Mayors Court, upon several new pretences, never heard of till of late time, whereby Clients are necessitated (especially where they have cause to appeal to Equity) to remove their Suits out of London into other Courts, whereas they might otherwise be relieved in the Lord Mayors Court, with far lesse Charge and greater Expedition:

No Judge or Clerk  
 of the Sheriffs Court  
 shall disallow any  
 Cause brought be-  
 fore the Jury sworn.

For remedy hereof it is Ordained, Enacted and Established, by the said Lord Mayor, Aldermen, and Commons, in this Common Council assembled, and by Authority of the same, That at all times hereafter the said Warrant of Levetur Querela, under the hand of the Lord Mayor or Recorder of the City of London for the time being, for removing of any Plaint, Attachment, or other Cause or Causes, levied or depending in either of the Sheriffs Courts of this City, into the Mayors Court, (being brought by a Serjeant at Law and Ministers of the Mayors Court to the said Sheriffs Courts, either at the Guild-Hall or Compter, at any time before the Jury, or any of them, shall be sworn for trial of such Cause or Causes, shall be presently obeyed and allowed of;

And



And that neither the Judge, nor any Clerk or Officer, of either of the said Sheriffs Courts, do at any time hereafter presume to reject or disallow of any such Levetur Querela, so brought or tendered unto him or them, upon any pretence whatsoever, other then in case of a farther Order or Warrant, by and under the hand of the Lord Mayor or Recorder for the time being, in that behalf first had and obtained, as anciently hath been used and accustomed.

And to prevent the daily Inconveniences happening in Suits now depending, or hereafter to be depending, in the Courts of the said Sheriffs, by reason of the great Delays they meet with there by putting off of Causes, under pretence of Continuances entered by the Attornies on both sides, for the most part at the very time they should be tried, without the Consents of the Parties Clients, contrary to the ancient practice and usage of the said Courts, whereby the Client is delayed, Witnesses and Jury-men discouraged, by frequent and fruitlesse Attendances, to the intolerable Expence of the Suito: For the preventing hereof for the future,

Be it Enacted by the said Lord Mayor, Aldermen, and Commons, in ~~this~~ Common Council assembled, and by Authority of the same, that no Cause or Causes in either of the Sheriffs Courts be at any time hereafter, from and after Issue joined, put off from Trial by pretence of any such Continuances entered, or hereafter to be entered, by consent of the Attornies on either part, but upon motion thereof first made in open Court, and for some just and reasonable cause to be shewed and allowed upon Oath befoze the Judge of the same Court, and upon payment

The Novel device of  
Continuances con-  
demned and remedied

ment of such Costs to the party thereby delayed as the Court shall see cause to tax and allow; And that no Clerk do henceforth presume to enter any Continuance in any Cause summoned for Trial, without the special Order and Directions of the Judge of the Court in that behalf first had, as aforesaid; And that no Fee be henceforth demanded, taken, or allowed, by or to any of the Attornies of the Sheriffs Courts aforesaid, for or in respect of the putting off of any Trial, under the pretence of such Continuance entered, or hereafter to be entered, as aforesaid, upon pain, that every Attorny so demanding, taking, or receiving, shall for every such Offence, for the first time, forfeit the summe of five pounds, and for the second, to be finally discharged of and from his place of Attorny in the said Sheriffs Courts.

No Fee upon a Continuance

Penalty.

What Costs shall be taxed in the Sheriffs Courts, and how, for avoiding the present Abuses in that behalf.

And to prevent the great Wilechiefs now daily growing and increasing in the said Sheriffs Courts by excessive Costs taxed upon Judgements there given, by the consent, for the most part, of the Attornies of both sides, contrary to the usage of all former Ages, Be it Enacted by the said Lord Mayor, Aldermen, and Commons, in this Common Council assembled, and by Authority of the same, That no Bill of Costs, exceeding the summe of four and twenty shillings for the Trial of a Grand-Jury Cause, or exceeding the summe of twenty two shillings for the Trial of a Petit-Jury Cause, shall at any time hereafter charge the Client of either side: Nevertheless it shall and may be lawful for the Judges of the said Courts respectively, for good and reasonable cause shewed to them respectively by the Parties of either side, upon due examination of the

the circumstances of the Case, (in the presence of both Parties,) to increase the said Costs of Suit by their discretions, by special Rule of Court to be entered for that purpose, expressing the cause why such Costs are so increased: And upon complaint made by any person of greater Charges then as aforesaid, and producing the Bill under the Attornies hand, or other Witnesse, that the respective Judges of the same Court punish the Offender, and relieve the party grieved, according to their good discretions, and the Rules aforesaid: And that no Officer of either of the said Courts shall presume to make out Execution upon any Judgement, wherein the Costs of Suit shall exceed the summs aforesaid respectively, without such special Rule as aforesaid to warrant the same, on pain to forfeit for his first Offence five pounds, to the relief of the Prisoners of that Compter wherein the Action shall be entered; and for the second Default, to be expelled the Court for ever.

And to prevent the daily Abuses of the Sericants and Yeomen of the Sheriffs, sometimes in permitting persons arrested by them to goe at large without Bail, sometimes in keeping them in Ale-houses, or some other private places, and not returning the Procelle in due time (by which the parties were arrested,) so that the Plaintiff is delayed, and the Prisoner, by the extortion of the said Sericants and Yeomen, oftentimes put to a greater Expence then will discharge the originall Cause of Action, and sometimes by discharging persons by them duly arrested, without causing the Actions whereon they were so arrested to be withdrawn, although they take money from the Defendant sufficient to do the same with, and some-

*For redress of these*

*For redress of these  
day Abuses committed  
by the Sericants  
and Yeomen.*

times by not duly returning Executions by them executed, or by discharging persons taken in Execution before Satisfaction be entered upon Record, whereby the said persons are oftentimes doubly charged for the same Debt; Be it therefore Enacted by the Authority aforesaid, That the Sericants and Beomen of the said Sheriffs, and every of them, shall from time to time, and at all times hereafter, make due Returns into the said Sheriffs Courts of all the Precepts of the said Courts to them to be directed, at the next Court after the Execution of the same Precepts: and that all persons by them to be arrested by virtue of the same Precepts, or any of them, shall be either delivered upon good and sufficient Bail, or, in default thereof, by him or them committed to some of the Prisons within the said City, at or before the next Court to be holden after such Arrest so to be made, to the end the party Plaintiff may proceed in his Action according to Law: and that none of the said Officers presume to discharge any person or persons so by him arrested, after Agreements made between the parties, till such time as the said Officer shall have caused either the Action to be withdrawn, or Satisfaction to be acknowledged on Record, as the case shall require. And if any of the said Officers shall hereafter offend in any of the cases aforesaid, and shall be thereof convicted by Examination of the Judge in open Court, upon complaint of the parties grieved, or in default thereof, by any other who shall inform the same, That then, and in every such case, the said Officer or Officers so offending shall, for the first Offence, be by the said Judge

fzrth.

forthwith committed to the Compter; there to remain till he shall have paid down the summe of five pounds, the one moiety to the party grieved, or, in default of Information to be given by him or them, as aforesaid, then to such other person or persons who shall inform the same to the said Court, over and besides such Remedy as the said party grieved may have by his or their Actions at Law against the said Officers, or any of them, for any of the Defaults aforesaid, and the other moiety to the relief of the poor Prisoners in such of the said Compters wherein the said Cause is or shall be entered: and if any of the said Officers, after he or they shall have been once convicted of any of the Offences aforesaid, shall presume to offend in any of the said cases the second time, and be thereof convicted, as aforesaid, That then, and in every such case, the said Offender, over and above all other Penalties herein above limited and appointed, shall be ipso facto absolutely discharged from his said Office and the Sheriffs of the City for the time being are hereby impowered and required to nominate and present to the Court of Aldermen some other fitting person, to be by them admitted in his or their places, as if the persons so offending and convicted, as aforesaid, were naturally dead.

Provided alwayes, that no Informer shall be any wayes intitled to the moiety of the said five pounds, or any part thereof, unlesse the said Of-

( 12 )

sender shall be convicted by the Evidence of one or  
more persons indifferent, and unconcerned to the  
profit or prejudice coming by the Default of the  
said Officer.

*Examined, the 26 Nov 1789. with the  
Big Brother in his Journal of the same.  
Small 88. 40. 50 L 16866*

*Avery.*

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